

REMARKS

Applicants reply to the Non-Final Office Action mailed on April 10, 2007 within the shortened three month period for reply. Claims 1-5, 7-9, 12-20 and 22-24 were pending and the Examiner rejects these claims. Applicants add new claim 25 and cancel claims 22 and 24 without prejudice to filing one or more claims having similar subject matter. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

The Examiner rejects claims 1-5, 7-9, 12-20 and 22-24 under 35 U.S.C. §103(a) as being unpatentable over various combinations of Black, U.S. Pub. No. 2005/0122209 (“Black”), Hoshino, U.S. Patent No. 6,636,620 (“Hoshino”), Hohle et al, U.S. Pat. No. 6,101,477 (“Hohle”), de Sylva, U.S. Pub. No. 2005/0098621 (“de Sylva”), Brandys, U.S. Pub. No. 2002/0186838 (“Bandys”), Moebs, U.S. Pub. No. 2005/0065872 (“Moebs”), and Jensen et al., U.S. Pub. No. 2005/0165684 (“Jensen”). Applicants respectfully traverse these rejections.

While certain features of the presently claimed invention may be found in the numerous cited references, Applicants assert that the presently claimed invention improves upon any possible general combination of such references. For example, it would not be obvious to simply combine the teachings of Black and Hohle because allows selective access to certain file structures based on different biometrics. Using the systems of Black and Hohle, the cardmember would not be able to conveniently enable access to either or both file structures, and only certain information in such file structures. In contrast, the presently claimed invention allows the user to provide different biometrics which enable access to only certain information.

The Examiner previously stated (November 21, 2005 Office Action) that de Sylva teaches a biometric sample associated with at least two accounts. However, Applicants assert that the presently claimed invention is significantly different in that each biometric sample accesses a different file structure, wherein each file structure includes different accounts and different information. In other words, using a thumb print as the proffered biometric sample may

result in access to an American Express charge card account, using a retina scan as the proffered biometric sample may result in access to a Bank of America debit card account, and using a voice print as the proffered biometric sample may result in access to a PayPal account. The use of different biometrics in this way may allow, for example, a portion of a single transaction by a single consumer to be charged to an American Express charge card account; a portion to be charged to a Bank of America debit card account and a portion to be charged to a PayPal account (e.g., claims 12 and 13).

Accordingly, Applicants assert that neither of the cited references, alone or in combination disclose or suggest at least "a first proffered biometric sample and a second proffered biometric" to access select file structures within a smart card in order to facilitate a transaction which incorporates the information from the file structures, as similarly recited in independent claim 1 and new independent claim 25.

Claims 1-5, 7-9, 12-20 and 23 variously depend from independent claim 1, so Applicants assert that claims 1-5, 7-9, 12-20 and 23 are differentiated from the cited references for at least the reasons set forth above, in addition to their own respective features.

Applicants respectfully submit that the pending claims are in condition for allowance. Reconsideration of the application is thus requested. **The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.** Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the application in general.

Respectfully submitted,

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